



Department of State

POL 23-8 USR

TELEGRAM

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16-10

ACTION: IQ-13

INFO: OCT-01 EUR-14 L-03 P-03 PRS-01 USIA-12 CIAE-00 INR-06

NSAE-00 RSC-01 NEA-09 SS-14 NSC-10 CPR-02 JUS-02 SY-03

RSR-01 H-02 1097 W

R: 192157Z AUG 71
FM USMISSION USUN NY
TO SECSTATE WASHDC 6753
INFO AMEMBASSY MOSCOW

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SUBJ: JURY ACQUITS RABBI KAHANE IN IRAQI UN MISSION CASE

REF: USUN 1011

POL 23-8 US

XR UN 22-2 12A9

XR POL 13-10 US

1. TRIAL OF RABBI KAHANE FOR RIOT, DISORDERLY CONDUCT AND RESISTING ARREST DURING DEMONSTRATION APRIL 20 AT IRAQI UN MISSION TOOK PLACE NY CRIMCT AUG 9-18. JUDGE EDWARD PINCUS DISMISSED RIOT CHARGE FOR LACK OF EVIDENCE. JURY OF 4 MEN, 2 WOMEN FOUND DEFENDANTS NOT GUILTY OF REMAINING CHARGES.

2. PROSECUTING ATTORNEY MIKE HAYES SAID DISMISSAL OF RIOT CHARGE INFLUENCED JURY STRONGLY IN FAVOR ACQUITTAL. FOUR JURORS TOLD HAYES AFTER TRIAL THAT THEY ACCEPTED TESTIMONY OF POLICE OFFICERS AS TRUE AND THAT IF THEY COULD HAVE KEPT DISMISSAL OF RIOT CHARGE OUT OF THEIR THOUGHTS AS INSTRUCTED THEY WLD HAVE FAVORED GUILTY VERDICT ON REMAINING TWO CHARGES. HAYES SAID TWO OF JURORS "BUMMERS". ONE FEMALE JUROR FOUND RABBI KAHANE PERSONALLY SINCERE AND DEDICATED. SHE APPARENTLY DISREGARDED EVIDENCE. ONE MALE JUROR SAID HE THOUGHT JDL GROUP WAS PRIMARILY EXERCISING THEIR RIGHT TO DEMONSTRATE FOR CAUSE THEY BELIEVED IN AND THAT VIOLENCE SHOULD BE OVER LOOKED AS MERELY INCIDENTAL TO DEMONSTRATION ITSELF.

3. OF 7 OTHER PERSONS ARRESTED WITH RABBI KAHANE APRIL 20,

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ALL BUT ONE PLEADED GUILTY EARLIER MINOR VIOLATION
REMAINING PERSON PLEADED GUILTY TO LESSER MISDEMEANOR
(OBSTRUCTION OF GOVERNMENT ADMINISTRATION) ALL FREE
DECONTROL 871972
BUSH

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